

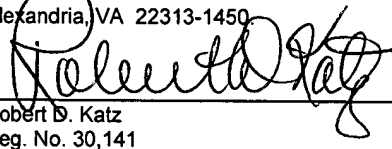
2009 OCT 22 AM 9:13

Attorney Dkt. 80728-A/RDK

IN THE UNITED STATES RECEIVING OFFICE US/DO

Applicants : GuoFan Hong and Wei-Hua Huang
U.S. Patent No. : 6,818,431
Issue Date : November 16, 2004
U.S. Serial No. : 09/512,019
U.S. Filing Date : February 24, 2000
For : DNA POLYMERASE HAVING ABILITY TO REDUCE
INNATE SELECTIVE DISCRIMINATION AGAINST
FLUORESCENT DYE-LABELED DIDEOXYNUCLEOTIDES

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OFFICE OF PETITIONS

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as Express Mail, bearing Express Mail Label No. EV 181734090 US, Post Office to addressee, in an envelope to:
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Director
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Robert D. Katz
Reg. No. 30,141
Date 10/16/09

30 Rockefeller Plaza
New York, N.Y. 10112
October 16, 2009

10/23/2009 DALLEN 00000050 6818431

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Director
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE U.S. PATENT NO. 6, 818,431, PURSUANT TO
35 U.S.C. § 41(c)(1) and 37 C.F.R. §1.378(c)

Petitioner, the owner by assignment of U.S. Patent No. 6,818,431 (the '431 patent) hereby petitions the Director to revive the '431 patent on the ground that it was unintentionally abandoned by non-payment of a maintenance fee.

In support of this petition, petitioner submits herewith:

- (1) a check in the amount of \$1,190.00 representing: (a) the first maintenance fee of \$490.00 (small entity); and (b) the \$700.00 surcharge for payment of a maintenance fee after expiration of the patent, as set forth in 37 C.F.R. §1.20(i)(1);

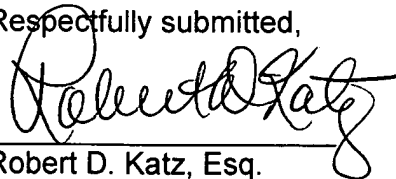
- (2) a statement under 37 C.F.R. §3.73 setting forth the chain of title of this patent (Ex. A hereto);
- (3) a power of attorney revoking prior powers of attorney and appointing Robert D. Katz (Reg. No. 30,141) attorney of record for this patent (Ex. B hereto); and
- (4) a showing that the delay in payment was unintentional from the time the maintenance fee was due until the present day, which is included in the Declaration of K.C. Kun, Director of Shenghai Mendel DNA Center Ltd., assignee of the '431 patent (Ex. C hereto), which is incorporated by reference herein.

Petitioner submits that it has satisfied the requirements set forth in 37 C.F.R. §1.378(c) to show that that it unintentionally abandoned the '431 patent for failure to pay the maintenance fee in a timely manner, and asks that it receive a decision granting the petition to revive the '431 patent forthwith.

The Director is authorized to charge any additional fee or credit any overpayment in connection with this petition to our Deposit Account No. 03-3125.

Dated: October 16, 2009

Respectfully submitted,



Robert D. Katz, Esq.
Registration No. 30,141
Cooper & Dunham LLP
Customer No. 23432
30 Rockefeller Plaza
New York, New York 10112
patentdocketing@cooperdunham.com
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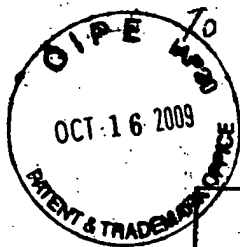
Attorney for Applicants

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Exhibit A

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From: 丽娟
To: 郭先生

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Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Shanghai Mendel DNA Center Ltd.

Application No./Patent No.: 6,818,431

Filed/Issue Date: November 16, 2004

Titled: DNA POLYMERASE HAVING ABILITY TO REDUCE INNATE SELECTIVE DISCRIMINATION AGAINST
FLUORESCENT DYE-LABELED DIDEOXYNUCLEOTIDES

Shanghai Mendel DNA Center Ltd.

a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: G.F. Hong and W.H. Huang To: Shanghai Institute of Biochemistry

The document was recorded in the United States Patent and Trademark Office at
Reel 010640, Frame 0040, or for which a copy thereof is attached.

2. From: Shanghai Institute of Biochemistry To: Hong Kong S&T Ltd.

The document was recorded in the United States Patent and Trademark Office at
Reel 013095, Frame 0966, or for which a copy thereof is attached.

3. From: Hong Kong S&T Ltd. To: Shanghai Mendel DNA Ltd.

The document was recorded in the United States Patent and Trademark Office at
Reel 013095, Frame 0956, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

K.C. Kun

Printed or Typed Name

2009.10.15

Date

Director

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Patent Number	6,818,431
	Issue Date	November 16, 2004
	First Named Inventor	GuoFan Hong et al.
	Title	DNA POLYMERASE HAVING ABILITY TO REDUCE INNATE SELECTIVE...
	Attorney Docket Number	80728/RDK

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

23432

OR

☒ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number
Robert D. Katz	30,141

Please recognize or change the correspondence address for the above-identified patent to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

I am the:

☐ Inventor, having ownership of the patent.

OR

☒ Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on

SIGNATURE of Inventor or Patent Owner			
Signature		Date	2009.10.15
Name	K.C. Kun	Telephone	
Title and Company	Director, Shanghai Mendel DNA Center Ltd.		

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Dkt. 1208/80728/RDK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : GuoFan Hong and Wei-hua Huang

U.S. Patent No. : 6,818,431

Issue Date : November 16, 2004

U.S. Serial No.: 09/512,019

Filed : February 24, 2000

For : DNA POLYMERASE HAVING ABILITY TO REDUCE INNATE
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DECLARATION OF K.C. KUN

K.C. Kun hereby declares and says:

1. I am Director of Shanghai Mendel DNA Center Ltd., current assignee of U.S. Patent No. 6,818,431 (the '431 patent). I make the declaration in support of the petition of Shanghai Mendel DNA Center Ltd. to revive the '431 patent. All statements contained herein are based upon personal information, except where stated to be on information and belief.
2. Shanghai Mendel DNA (the Company) acquired the '431 patent. However, the Company lost contact with its previous attorney in the U.S. and has not been informed of the maintenance fee status of the '431 patent. As a result the Company did not know about the expiration of the '431 patent and has not paid the maintenance fee that was recently due.
3. The Company is unaware whether a notice of patent expiration was mailed by the United States Patent & Trademark Office to either the Chinese or U.S.

Applicants: GuoFan Hong et al.
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counsel for Shanghai Mendel. The attorney for Shanghai Mendel who prosecuted the patent application did not forward any such notice to me, nor did she contact me about the patent expiration, nor of the need to pay a maintenance fee.


4. The Company was also unaware of the grace period for paying a maintenance fee until after it expired. Accordingly, the Company was unable to send the fee during the grace period or instruct an attorney to do so.
5. It was not until the Company recently visited the website of U. S. Patent and Trademark Office to check on the assignment status of the '431 patent that it found out that the '431 patent was expired due to an unpaid maintenance fee. Therefore, I asked our Mr. Guo, who is responsible for Company's overseas business development, to contact our new attorney, Mr. Katz to ask him to revive the '431 patent.
6. At no time from the original time for payment of the maintenance fee until the present day, including the period for payment of the maintenance fee or the six month grace period following its expiration, did Shanghai Mendel DNA ever intend to allow the '431 patent to expire. Had we known of the obligation to pay a maintenance fee for this patent, we would have instructed Mr. Katz to pay the maintenance fee on our behalf on a timely basis. Now that we are aware of the expiration of the '431 patent, we have authorized Mr. Katz to file the present petition to revive the patent by delayed payment of the maintenance fee, since it

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was never the intention of the assignee Shanghai Mendel DNA to allow the '431 patent to lapse.

7. I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hong Kong, China
October 15, 2009


K.C. Kun